

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

THIS DOCUMENT RELATES TO
Sherry L. Morgan, et al. v. Ethicon, Inc., et al.
Civil Action No. 2:14-cv-18835

ORDER

(Dismissing Defendants Ethicon, Inc., Ethicon, LLC and Johnson & Johnson with Prejudice and Transferring Case to MDL 2325)

Pending before the court is a Joint Motion to Dismiss the Ethicon Defendants with Prejudice filed by the plaintiffs and Ethicon, Inc., Ethicon, LLC and Johnson & Johnson. (collectively, “Ethicon”). [ECF No. 14]. Also pending is plaintiffs’ Motion to Transfer MDLs. [ECF No. 14]. The Motions seek an order (1) granting dismissal of Ethicon as a defendant in this action with prejudice because all claims against Ethicon have been compromised and settled, including all claims, counterclaims, cross-claims and third party claims; and (2) transferring the case to the appropriate remaining MDL.

After careful consideration, it is **ORDERED** that

- (1) the Joint Motion to Dismiss Ethicon with Prejudice and Plaintiff’s Motion to Transfer MDLs are **GRANTED**;
- (2) the Ethicon defendants are **DISMISSED WITH PREJUDICE** as a defendant in this action;

- (3) this action is **TRANSFERRED** to MDL 2325;
- (4) pursuant to Ethicon MDL PTO # 280 (Docket Control Order – Ethicon Wave 8 Cases), which states the following,

Transfer of any Wave 8 case to any other MDL, whether by ruling upon a motion from plaintiff or defendants or *sua sponte* by the court, does not relieve the plaintiff or any remaining defendant(s) from the deadlines of a Docket Control Order. Any cases transferred into C. R. Bard, Inc. (“Bard”), American Medical Systems, Inc. (“AMS”), or Boston Scientific Corp. (“BSC”) MDLs will immediately be subject to the Docket Control Order entered in that MDL on January 30, 2018, and any Amended Docket Control Orders.

this action is now subject to PTO # 249 entered in MDL 2325; and

- (5) to the extent an Amended Short Form complaint has not been filed, plaintiff’s counsel is **DIRECTED** to file the appropriate Amended Short Form Complaint within the time stated in the Motion.

The court **DIRECTS** the Clerk as follows:

- (1) disassociate the civil action as a member case in MDL 2327 and re-associate it with MDL 2325;
- (2) file MDL 2325, PTO # 249 in this individual case;
- (3) change the 2327 Wave 8 flag to MDL 2325 Wave 3 flag; and
- (4) file a copy of this order in 2:12-md-2327 and in this individual case.

ENTER: May 1, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE